

ORIGINAL

BILL NO. S-73-10-59.

SPECIAL ORDINANCE NO. S- A-120-73

AN ORDINANCE approving a contract with NOBIS-WESTROP CONSTRUCTION CO., INC. for construction of a water line on Cook Road.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The agreement approved October 11, 1973 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and NOBIS-WESTROP CONSTRUCTION CO., INC. for the construction of a watermain as follows:

That the Utility and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct 2002+ feet of sixteen (16") inch water main, including all necessary fittings as follows:

On the Cook Road, from the existing main at Cranberry Lane eastward a distance of 2002+ feet.

for a total cost of \$29,738.50, of which \$18,772.82 is to be paid by Contributor and the balance paid by Utility, all as more particularly set forth in said contract, which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilman

APPROVED AS TO FORM
AND LEGALITY


Read the first time in full and on motion by Burns, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on City Utilition (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 10-23-73

Charles W. Winterman
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage. Passed (~~LOST~~) by the following vote:

	AYES <u>8</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT <u>1</u>	to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MOSES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DATE: 11-13-73

Charles W. Winterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. A-120-73 on the 13th day of November, 1973.

ATTEST: (SEAL)

Charles W. Winterman
CITY CLERK

James J. Talano
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1973, at the hour of 2:00 o'clock A. M., E.S.T.

Charles W. Winterman
CITY CLERK

Approved and signed by me this 4th day of November, 1973, at the hour of 4:00 o'clock 9 M., E.S.T.

Don A. Penhoff
MAYOR

Bill No. S-73-10-59

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving a contract with NOBIS-WESTROP CONSTRUCTION CO., INC.
for construction of a water line on Cook Road

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

Paul M. Burns - Chairman

William T. Hinga - Vice-Chairman

Vivian G. Schmidt

Donald J. Schmidt

Eugene Kraus, Jr.

DATE 1-13-73 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

CONTRACT NO. 73-XP-3

BOARD ORDER NO. 90-1973

60-72-2
WORK ORDER NO. 62723

THIS AGREEMENT, made and entered into this 11th day of October, 1973, by and between Fort Wayne Community Schools, hereinafter called Contributor, and the Fort Wayne Water Utility of the City of Fort Wayne, Indiana, by and through the Board of Public Works of said City, hereinafter called Utility, WITNESSETH:

That the said Contributor and the said Utility for the considerations hereinafter named, agree as follows:

1. That the Utility and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct 2002+ feet of sixteen (16") inch water main, including all necessary fittings as follows:

On the Cook Road, from the existing main at Cranberry Lane eastward a distance of 2002+ feet.

2. That said water main system shall be constructed according to the standards, plans and specifications of the Utility and that said Utility shall furnish water thru said main when completed, in accordance with the rules and regulations of said Utility, and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the Utility will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire main shall have been tested, disinfected and placed in service and accepted by said Utility.

3. It is understood and agreed by and between the parties of this contract that the Contributor shall furnish all materials, contractual labor, and equipment for the construction of said water main through Nobis-Westropp Construction Co., Inc., at a cost of Twenty Eight Thousand Four Hundred Eight and 50/100 (\$28,408.50) Dollars, and that said Utility shall supply the necessary labor for inspection, pressure testing, disinfection and engineering at a cost of One Thousand Three Hundred Thirty and No/100 (\$1,330.00) Dollars. Therefore the total cost of said water main is Twenty Nine Thousand Seven Hundred Thirty Eight and 50/100 (\$29,738.50) Dollars. It is further understood and agreed by and between the parties of this contract that the said Contributor shall bear the cost of the water main on the basis of an eight (8") inch main, the cost of which is Eighteen Thousand Seven Hundred Seventy Two and 82/100 (\$18,772.82) Dollars, and which amount is the contract price of this Agreement. Therefore, it is agreed that upon completion and acceptance of said water main system by said Utility, the Utility will pay to said Contributor's Contractor the difference between the cost of materials, contractual labor and equipment as supplied by the contractor, as referred to above and the contract price of this Agreement, said difference being Nine Thousand Six Hundred Thirty Five and 68/100 (\$9,635.68) Dollars.

4. It is further understood and agreed by and between the parties of this contract that should any additional party wish to have a service connection tap made into this water main within a period of fifteen (15) years from the above date and become a permanent consumer of water on the south side of and adjacent to the Cook Road from the East property line of lot # 11, in Springwood Addition, Section 1, to the East property line of lot "C" in A. F. Smith's Sub-Division or on the north side of and adjacent to the Cook Road from a point 1757 feet west of the north-south center-line of Section 12, Township 31 North, Range 12 East, to a point 245 feet East of said center-line, all located in the south one-half ($\frac{1}{2}$) of Section 12, Township 31 North, Range 12 East (Washington Township), in Allen County, Indiana, or any part or parts thereof, he shall apply to the said Utility for a permit to tap the above said water main and shall be required to pay to said Utility his share of the installation cost in addition to the regular tapping fee which share shall be \$7.737 per front foot. The money so collected shall be divided between the Contributor and the Utility, \$4.884 per front foot paid to the Contributor and \$2.853 retained by the Utility as reimbursement to each toward their respective advancements of the cost of construction of said water main.
5. The Utility may approve the extension of additional water mains from the water main covered in this contract without incurring any financial obligations to the Contributor under this contract.
6. It is further understood and agreed that, upon completion and acceptance by the Utility, the water main and fittings installed under this contract shall form and be a part of the water works system of said Utility, and that all rights, title and interest whatsoever, shall at all times be and remain in the City of Fort Wayne, Indiana.
7. Councilmanic Approval.

This contract, although executed on behalf of the Utility by it's Mayor and Board of Public Works, shall not be binding upon the Utility unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within sixty (60) days after the date hereof, then this contract shall be and become wholly void.

IN WITNESS WHEREOF, the parties hereto have executed this contract, the day and year first above written.

FORT WAYNE COMMUNITY SCHOOLS

By: May J. Scott

CITY OF FORT WAYNE, INDIANA

By: Ivan A. Lebamoff
Ivan A. Lebamoff, Mayor

BOARD OF PUBLIC WORKS

Ronald L. Bonar
Ronald L. Bonar

ATTEST:

Edna I. Smith
Edna I. Smith, Clerk

APPROVED AS TO FORM AND LEGALITY:

[Signature]

Approved by the Common Council of the City of Fort Wayne, Indiana

on _____, 1973

Special Ordinance _____

ACKNOWLEDGEMENT

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

BEFORE ME, a Notary Public, in and for said County and State, this

10th day of September, 1973, personally
appeared Max G. Scott, President, Board of School Trustees, FWC
and acknowledged said instrument to be their voluntary act and deed
for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official
seal.

E. Jan Brumbaugh
Notary Public

MY COMMISSION EXPIRES:

12-23-73

ACKNOWLEDGEMENT

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

BEFORE ME, a Notary Public, in and for said County and State, this 11th day of October, 1973, personally appeared the within named IVAN A. LEBAMOFF, Mayor of the City of Fort Wayne; JERRY D. BOSWELL, RONALD L. BONAR and ~~WILLIAM G. WILLIAMS~~, members of the Board of Public Works, City of Fort Wayne, Indiana; EDNA I. SMITH, Clerk of the Board of Public Works, City of Fort Wayne, Indiana, to me personally known, who being by me duly sworn said that they are respectively the Mayor of the City of Fort Wayne, the Members and Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, with full authority so to do and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.



Notary Public

My Commission Expires:

March 6, 1976

DIGEST SHEET

✓
J-73-10-59

✓ TITLE OF ORDINANCE Water Contract 73-XP-3 to Nobis Construction for Cook Road

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Ordinance will permit expenditure of Water Utility

fund for oversizing of water main to be installed on Cook Road to serve Fort
Wayne Community Schools. Oversizing will provide for future expansion.

Fort Wayne Community Schools and Utility will be reimbursed as additional
property owners tap in.

EFFECT OF PASSAGE Extension of water main and revenue to Utility for
water usage.

EFFECT OF NON-PASSAGE No oversizing for future expansion

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

\$9,635.68 cost to Utility. Total cost of main including inspection, engineering,
etc. - \$29,738.50.

ASSIGNED TO COMMITTEE (J.N.) City Utilities

/ss